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October 25, 2023

**VIA ECF**

The Honorable Robert Kirsch, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Clarkson S. Fisher Federal Building  
402 East State Street  
Trenton, New Jersey 08608

Re: *Dr. Reddy's Laboratories Inc. v. Amarin Pharma, Inc., et al.*,  
*No. 3:21-cv-10309-RK-TJB*

Dear Judge Kirsch:

This firm, along with our co-counsel Wilson Sonsini Goodrich & Rosati, P.C., represents Plaintiff Dr. Reddy's Laboratories Inc. ("DRL") in the above-captioned litigation against Amarin Pharma, Inc. ("Amarin"). Despite the Court's directive to temporarily forego litigation in favor of mediation, the mediation did not progress because Amarin's representatives did not have authority to make a meaningful settlement offer. Accordingly, we write to respectfully request: (1) continuance of discovery, including entry of the enclosed schedule, and (2) reimbursement by Amarin of DRL's attorneys' fees and costs associated with the failed mediation.

At our August 2023 status conferences, Your Honor referred the above-captioned litigation to mediation with the Honorable Jose L. Linares (and stayed substantial discovery pending mediation). On October 11, 2023, DRL's outside counsel and senior in-house counsel with settlement authority traveled to Newark for the in-person mediation with Judge Linares (together with counsel for all the parties). Although originally scheduled to last two days, the mediation ended early afternoon when Judge Linares, who had spent significant time with Amarin's counsel (we understand that Amarin's executives were available by telephone), advised DRL that Amarin did not have authority to make a meaningful settlement offer. With settlement progress halted, Judge Linares and DRL agreed to end the mediation early. In addition to our request for entry of a scheduling order that would speed resolution, DRL requests the Court to award DRL its fees and costs incurred (and wasted) in connection with the mediation.

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When the Court refers a matter to mediation, litigants and attorneys are expected and required to participate in mediation in good faith. *See* L.Civ.R. 301.1, App'x Q. Guidelines for Mediation. Not only did Amarin not mediate in good faith, it blatantly disregarded the Court's directive as well as the Rules of this District by doing nothing while DRL used the two months to diligently prepare its submissions and interact with Judge Linares as he prepared for the mediation. DRL respectfully submits that Amarin should be penalized for its disobedience by awarding DRL reimbursement for its attorneys' fees and expenses incurred in connection with the mediation. *Id.*; *see also Kyeame v. Buchheit*, 2011 U.S. Dist. LEXIS 121692, \*18, 2011 WL 4949045 (M.D. Pa. Jul. 5, 2011) (acknowledging that a defendant may be sanctioned where it, "wast[es] the limited time, financial resources and energies of the Court and Plaintiff" by failing to provide notice that settlement negotiations would be futile)); *Karahuta v. Boardwalk Regency Corp.*, 2007 U.S. Dist. LEXIS 72510, 2007 WL 2825722 (E.D. Pa. Sept. 27, 2007) (defendant ordered to reimburse plaintiff's attorney fees and expenses for coming to settlement conference with only limited settlement authority).

Amarin has also benefitted by effectively achieving the delays in discovery and litigation that it has been pursuing throughout this case. In order to place this case back on an efficient and speedy track, DRL requests a conference with the Court and entry of the schedule below.

<b>Event</b>	<b>Plaintiffs' January 2023 Proposal</b>	<b>Plaintiffs' June 2023 Proposal</b>	<b>Dr. Reddy's October 2023 Proposal</b>
Discovery opens; any prior discovery deemed served as of this day	January 13, 2023	January 13, 2023	
Parties to exchange initial disclosures	January 27, 2023		
Defendants to produce unredacted copies of the API agreements	February 13, 2023		
Parties to file an agreed-to or competing Confidentiality Order(s)	February 28, 2023		
Status conference with Magistrate Judge Bongiovanni		June 21, 2023	
Parties to file an agreed-to or competing ESI Protocol(s)	February 28, 2023	July 11, 2023	

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<b>Event</b>	<b>Plaintiffs’ January 2023 Proposal</b>	<b>Plaintiffs’ June 2023 Proposal</b>	<b>Dr. Reddy’s October 2023 Proposal</b>
Amarin certifies that production of documents responsive to initial discovery requests deemed served on January 13, 2023 is substantially complete; substantial completion shall include significant production of the additional materials Amarin has agreed to produce during the parties’ June 2023 negotiations.	March 17, 2023	July 13, 2023	November 21, 2023
Privilege logs for all documents produced on or before the November 21 substantial completion deadline due.	April 28, 2023	July 27, 2023	December 1, 2023
Amarin certifies that production of documents responsive to the purchasers’ supplemental discovery requests is substantially complete		August 17, 2023	<i>TBD</i>
Dr. Reddy’s certifies that production of documents responsive to Amarin’s initial discovery requests is substantially complete		August 17, 2023	December 21, 2023
Hikma certifies that production of documents responsive to Amarin’s initial discovery requests is substantially complete		September 30, 2023	<i>TBD</i>
Deadline for parties to meet and confer regarding challenges to privilege log designations (if any).	July 14, 2023	November 15, 2023	March 15, 2024
Deadline for bringing privilege-related disputes to the Court’s attention (e.g., motions concerning privilege log designations) for any documents produced by January 19.	[July] 23, 2023	November 21, 2023	March 22, 2024
Deadline for bringing disputes relating to written discovery to the Court’s attention.	August 11, 2023	December 20, 2023	April 19, 2024
Deadline to amend pleadings or to add parties, claims, or defenses, except upon a showing of good cause	August 31, 2023	January 16, 2024	May 16, 2024
<i>IPPs and DPPs to serve class certification motions and class certification expert declarations pursuant to former Appendix N</i>	<i>June 29, 2023</i>	<i>January 16, 2024</i>	<i>TBD</i>

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<b>Event</b>	<b>Plaintiffs’ January 2023 Proposal</b>	<b>Plaintiffs’ June 2023 Proposal</b>	<b>Dr. Reddy’s October 2023 Proposal</b>
Fact discovery closes. All discovery requests must be served to be answerable by this date, except for requests for admissions, which may be served up to 45 days before Rule 56 and Daubert motions are filed.	August 31, 2023	January 16, 2024	May 16, 2024
<i>Defendants to serve oppositions to IPP and DPP motions for class certification and expert declarations</i>	<i>August 3, 2023</i>	<i>February 15, 2024</i>	<i>TBD</i>
Dr. Reddy’s serves merits expert reports	October 6, 2023	February 27, 2024	June 27, 2024
<i>IPPs and DPPs to serve replies in support of class certification and any reply expert declarations</i>	<i>September 7, 2023</i>	<i>March 14, 2024</i>	<i>TBD</i>
<i>File all class certification papers</i>	<i>September 8, 2023</i>	<i>March 15, 2024</i>	<i>TBD</i>
Defendants serve opposing merits expert reports	November 9, 2023	March 26, 2024	July 26, 2024
Dr. Reddy’s serves reply merits expert reports, if any	December 8, 2023	April 18, 2024	August 1, 2024
<i>Deadline to depose class experts</i>	<i>November 30, 2023</i>	<i>April 18, 2024</i>	<i>TBD</i>
<i>Class certification hearing</i>	<i>As set by the Court</i>	<i>As set by the Court</i>	<i>As set by the Court</i>
Deadline to depose merits experts	February 16, 2024	May 16, 2024	September 16, 2024
Parties file Rule 56 motions	March 8, 2024	June 6, 2024	October 4, 2024
Parties file Rule 56 oppositions, <i>Daubert</i> motions to challenge moving party’s experts	May 10, 2024	July 18, 2024	November 18, 2024
Parties file Rule 56 reply briefs, respond to <i>Daubert</i> motions	May 31, 2024	August 8, 2024	December 6, 2024
Parties file <i>Daubert</i> reply briefs	June 14, 2024	August 22, 2024	December 20, 2024
Hearing on Rule 56 and <i>Daubert</i> motions	As set by the Court	As set by the Court	As set by the Court
Pretrial conference	As set by the Court	As set by the Court	As set by the Court
Trial	As set by the Court	As set by the Court	As set by the Court

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Respectfully submitted,

*s/ Frank D. Rodriguez*

Frank D. Rodriguez

Encl.

Cc: Counsel of Record (via ECF)